

JUDGE JONES

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'08 CIV 3881

Attorney for Defendant

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

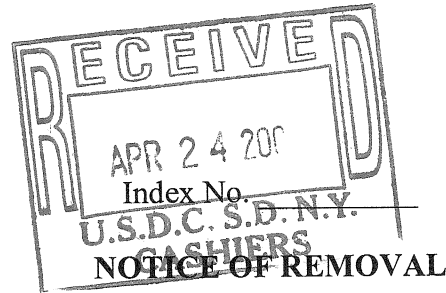
**CAPSTAR RADIO OPERATING
COMPANY, INC. D/B/A WLTW LITE
FM,**

Plaintiff,

~ against ~

**UNITED CREDIT ADJUSTERS, INC.
A/K/A UNITED CREDIT ADJUSTORS,
INC.,**

Defendant.



NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant **UNITED CREDIT ADJUSTERS, INC. A/K/A**

UNITED CREDIT ADJUSTORS, INC., files this Notice of Removal pursuant to

28 U.S.C. §§ 1332, 1441 & 1446, and removes to this Court the action known as Capstar Radio

Operating Company, Inc. d/b/a WLTW LITE FM v. United Credit Adjusters, Inc. a/k/a United

Credit Adjustors, Inc., Index #600789-08, previously filed with the Supreme Court of the State

of New York, New York County. The grounds for removal are as follows:

PROCEDURAL HISTORY

1. This action was commenced on or about March 18, 2008 by the purchase of an Index Number and filing of a Complaint with the Supreme Court of the State of New York, New York County.

2. A copy of the Summons and Complaint are attached to this Notice of Removal as Exhibit A, and made a part hereof.

3. Defendant was served on March 26, 2008.

4. Defendant's time to answer the Summons and Complaint has not expired and Defendant has not yet served or filed an Answer.

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it being filed within thirty days after receipt by Defendants, through service or otherwise, of copies of the Summons and Complaint.

JURISDICTION

6. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1332(a)(1), (3) based on diversity of citizenship and amount in controversy.

7. Plaintiff **CAPSTAR RADIO OPERATING COMPANY, INC. D/B/A WLTW LITE FM**, alleges that it is a Delaware Corporation maintaining its offices in the City, County and State of New York. (Complaint at ¶ 1)

8. Defendant **UNITED CREDIT ADJUSTERS, INC. A/K/A UNITED CREDIT ADJUSTORS, INC.** is a New Jersey Corporation which maintaining its offices in New Jersey. (Complaint at ¶ 2)

9. The Complaint demands a judgment against Defendant in the amount of \$365,040.50 with interest from September 7, 2007, and the costs and disbursements of the action. (Complaint at ¶ 11, and concluding prayer for relief)

10. Accordingly, the amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.

11. Removal is therefore proper under 28 U.S.C. § 1441(a).

COMPLIANCE WITH 28 U.S.C. § 1446

12. Promptly upon filing of this Notice of Removal, a true copy of this Notice of Removal will be provided to all adverse parties pursuant to 28 U.S.C. § 1446(d).

13. Concurrently with the filing of this Notice of Removal, Defendant is filing a Notice of Filing of Notice of Removal with the Clerk of the Supreme Court of the State of New York, New York County.

14. A copy of the Notice of Filing of Notice of Removal is attached to this Notice of Removal as Exhibit B, and made a part hereof.

WHEREFORE, Defendant removes this action from the Supreme Court of the State of New York, New York County.

Dated: New York, New York

This 23rd day of April, 2008

BARUCH S. GOTTESMAN, ESQ.

BY: 

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Of Counsel:

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Application for Admission Pro Hac Vice Pending

Copy to:

MARTIN S. COLE
(Attorney for Plaintiff in State proceedings)
110 Wall Street
11th Floor
New York, NY 10005-3817
Phone: (212) 929-0606

EXHIBIT A

B 106—Summons with notice, blank court.
personal or substituted service. 12 pt. Op. 4-94© 1993 JULIUS BLUMBERG, INC.,
PUBLISHER, NYC 10013

SUPREME COURT: NEW YORK COUNTY

CAPSIAR RADIO OPERATING COMPANY, INC.
d/b/a WLTV LITE FM

Plaintiff(s)

against

UNITED CREDIT ADJUSTERS, INC.
a/k/a UNITED CREDIT ADJUSTORS, INC.

Defendant(s)

Index No.

Date purchased


Plaintiff(s) designate(s)

NEW YORK
County as the place of trial.The basis of the venue is
PLAINTIFF RESIDES IN
NEW YORK COUNTY**Summons**
with NoticePlaintiff(s) reside(s) at
1133 AVENUE OF THE AMERICAS
NEW YORK, NY
County of NEW YORK

To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, March 17, 2008


MARTIN S. COLE
Attorney(s) for Plaintiff

Defendant's address:

1) 4555 Route 9 North, 2nd Fl., Howell, NJ 07731

2) 2519 Highway 35, Bldg. A, Ste. 101, Manasquan, NJ 08736

Attn: Ahron Henoch, Pres.; Ezra Rishty, V.P.;
and Gerald Serino, V.P.

Office and Post Office Address

110 Wall Street, 11th Floor

New York, NY 10005-3817

(212) 929-0606

Notice: The nature of this action is services rendered.

The relief sought is judgment for \$365,040.50, with interest, costs and disbursements.

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ 365,040.50
with interest from September 7, 2007 and the costs of this action.

SUPREME COURT: NEW YORK COUNTY

-----X
CAPSTAR RADIO OPERATING COMPANY, INC.
d/b/a WLTW LITE FM

Plaintiff

COMPLAINT

-against-

UNITED CREDIT ADJUSTERS, INC. a/k/a UNITED CREDIT
ADJUSTORS, INC.

Defendant

-----X
Plaintiff, complaining of the defendant, by its attorney, Martin S. Cole, hereby alleges:

AS AND FOR A FIRST CAUSE OF ACTION

1. Plaintiff is a Delaware corporation, maintaining its offices in the City, County and State of New York and elsewhere in the United States.
2. Defendant is a New Jersey corporation, maintaining its offices and place of business in the State of New Jersey.
3. Defendant transacts business in the State of New York and in other states within the United States.
4. This cause of action arose in the State of New York.
5. Plaintiff is the owner and operator of the radio station WLTW Lite FM in the City, County and State of New York, and also owns and operates other radio stations throughout the United States.
6. Heretofore, and from on or about April 7, 2007 to September 7, 2007, at the special instance and request of the defendant, plaintiff rendered radio advertising services to the defendant at the total net agreed price and reasonable value of \$365,040.50, no part of which has been paid although due and duly demanded.

7. Annexed hereto is a statement of account issued by plaintiff to defendant, setting forth the status of defendant's account, all invoices charged to defendant, any payments on account by defendant, and the balance due of \$365,040.50.

8. The net amount due from defendant to plaintiff was and is the sum of \$365,040.50.

9. Said sum represents the balance due on the agreed price owed by defendant to plaintiff and also constitutes the reasonable value of said advertising services.

10. Included in said amount are the annexed checks made and issued by defendant to plaintiff's parent, Clear Channel Broadcasting, Inc., which checks were returned unpaid by defendant's bank by reason of insufficient funds or stoppage of payment:

No. ?	August 9, 2007	\$12,937.00
No. 12016	August 18, 2007	\$12,937.00
No. 12280	July, 2007	\$13,000.00
No. 12358	May 23, 2007 (?)	\$14,000.00
No. 12014	July 30, 2007	\$12,397.00
No. 12206	December 21, 2007	\$ 7,500.00

11. By reason of the foregoing, plaintiff has sustained damages in the sum of \$365,040.50.

AS AND FOR A SECOND CAUSE OF ACTION

12. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 11 of this complaint.

13. The invoices for said advertising services, and monthly statements of account, were sent by plaintiff to defendant in the regular and ordinary course of business, and were accepted by defendant without objection thereto.

14. Said invoices and statements constitute an account stated by plaintiff to defendant.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of \$365,040.50, with interest from September 7, 2007, and the costs and disbursements of this action.



MARTIN S. COLE
Attorney for Plaintiff
110 Wall Street, 11th Floor
New York, NY 10005-3817
(212) 929-0606

DATED: March 17, 2008

Date	Station	Advertiser	Transaction Type	Amount	Balance	Invoice	Order
Apr-07	SWAXQ-FM	UNITED CREDIT ADJUSTERS	Invoice	150.00	150.00	58853-1	45755
May-07	SWAXQ-FM	UNITED CREDIT ADJUSTERS	Invoice	450.00	450.00	60062-1	45755
Apr-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	935.00	935.00	57162-1	36749
May-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	795.00	795.00	58976-1	36749
May-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Check #12359	755.00	755.00	54241-1	36749
Jun-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	800.00	800.00	60691-1	36749
Jul-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	1,000.00	1,000.00	62417-1	36749
Aug-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	770.00	770.00	64189-1	36749
Sep-07	SWLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	380.00	380.00	65891-1	36749
Apr-07	WAXQ-FM	UNITED CREDIT ADJUSTERS	Invoice	5,150.00	5,150.00	58844-1	45743
May-07	WAXQ-FM	UNITED CREDIT ADJUSTERS	Invoice	8,550.00	8,550.00	60055-1	45743
Mar-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	17,700.00	17,700.00	55935-1	40537
Apr-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	17,800.00	17,800.00	57294-1	40537
May-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	15,575.00	15,575.00	59073-1	40537
Jun-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	7,675.00	7,675.00	62312-1	47724
Jun-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	125.00	125.00	60775-1	40537
Jul-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	16,950.00	16,950.00	63326-1	47724
Aug-07	WKTU-FM	UNITED CREDIT ADJUSTERS	Invoice	8,775.00	8,775.00	64727-1	47724
Apr-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	23,800.00	23,800.00	57163-1	36750
Apr-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Check #12280	13,000.00	13,000.00	50273-1	36750
May-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	9,790.00	9,790.00	58977-1	36750
May-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Check #12359	10,060.50	10,060.50	52963-1	36750
Jun-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	800.00	800.00	60692-1	36750
Jun-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	35,670.00	19,781.00	61403-1	46106
Jul-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	19,600.00	19,600.00	62879-1	46106
Jul-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Check #12014	835.50	835.50	55735-1	36750
Aug-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Pre-payment check #12015	12,937.00	12,937.00		36750
Aug-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Pre-payment check #12016	12,937.00	12,937.00		46106
Aug-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	15,120.00	15,120.00	64523-1	46106
Sep-07	WLTW-FM	UNITED CREDIT ADJUSTERS	Invoice	7,310.00	7,310.00	66193-1	46106
Mar-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	15,720.00	3,618.50	55821-1	39627
Apr-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	5,830.00	5,830.00	57229-1	39627
Apr-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	15,950.00	15,950.00	58303-1	44776
May-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	16,050.00	16,050.00	59591-1	44776
May-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Check #12359	3,184.50	3,184.50	54358-1	39627
Jun-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	16,000.00	16,000.00	61134-1	44776
Jul-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	2,000.00	2,000.00	62756-1	44776
Jul-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	16,000.00	16,000.00	63503-1	47991
Jul-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Check #12014	12,101.50	12,101.50	55821-1	39627
Aug-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	16,000.00	16,000.00	64815-1	47991
Sep-07	WWPR-FM	UNITED CREDIT ADJUSTERS	Invoice	8,000.00	8,000.00	66359-1	47991
				393,031.00	365,040.50		

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**SUPREME COURT OF NEW YORK
NEW YORK COUNTY**

**CAPSTAR RADIO OPERATING
COMPANY, INC. D/B/A WLTW LITE
FM,**

Plaintiff,

~ against ~

**UNITED CREDIT ADJUSTERS, INC.
A/K/A UNITED CREDIT ADJUSTORS,
INC.,**

Defendant.

Case No. 600789-08

**NOTICE OF FILING OF
NOTICE OF REMOVAL**

(Unassigned)

PLEASE TAKE NOTICE that Defendant: **UNITED CREDIT ADJUSTERS, INC.
A/K/A UNITED CREDIT ADJUSTORS, INC.;** have via their attorney filed the attached
Notice of Removal of Civil Action to United States District Court to the United States District
Court for the Eastern District of New York. By virtue of 28 U.S.C. §1445(f) the State court shall
proceed no further unless and until the case is remanded.

RESPECTFULLY SUBMITTED this 23rd day of April, 2008.

BARUCH S. GOTTESMAN, ESQ.

BY: 
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New York, NY 10065-8404
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Attorney for Defendant

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